

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHARLES C. GREEN, :
Plaintiff, :
v. : 17 Civ. 6984 (AKH/DCF)
CHAD D. HARBACH, :
Defendant. :
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NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the annexed the annexed Declaration of Pieter Van Tol executed on August 9, 2018 (the “Van Tol Declaration”), the exhibits annexed thereto, the accompanying memorandum of law in support, and all pleadings herein, Plaintiff Charles C. Green (“Green”) hereby moves before the Honorable Alvin K. Hellerstein, United States District Judge, Southern District of New York, pursuant to Fed. R. Civ. P. 54(d)(2), for an order (1) deferring a ruling on the motion by Defendant Chad D. Harbach (“Harbach”), pursuant to 17 U.S.C. § 505 and Fed. R. Civ. P. 54(d), for reasonable attorneys’ fees (the “Attorneys’ Fees Motion”) (Dkt. No. 34) until after the resolution of Green’s appeal from the dismissal of the Complaint in this action (the “Appeal”), which is currently pending before the United States Court of Appeals for the Second Circuit; or (2) in the alternative, denying the Attorneys’ Fees Motion, without prejudice and subject to potential renewal after the resolution of the Appeal.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, Harbach’s

opposition papers are due on August 23, 2018, and Green's reply papers (if any) are due on August 30, 2018.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 2.C of the Individual Rules of the Honorable Alvin K. Hellerstein, a Table of Contents listing the declarations and exhibits filed in connection with this motion is attached hereto.

Dated: August 9, 2018

Respectfully submitted,

HOGAN LOVELLS US LLP

By: /s/ Pieter Van Tol

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Attorneys for Plaintiff

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1. The Van Tol Declaration.
2. Exhibits to the Van Tol Declaration:
 - (i) **Exhibit 1**, a true and correct copy of the Second Circuit's Notice of Expedited Appeal.
 - (ii) **Exhibit 2**, a true and correct copy of a January 14, 2016 order from United States Magistrate Judge James C. Francis IV in *TCA Television v. McCollum*, 15 Civ. 4325 (GBD) (JCF) (S.D.N.Y.).